

INTRODUCTION – PURPOSE OF THE CLASS**Lesson Plan****History & Principals of Law Enforcement**

New Mexico Department of Public Safety
Training Division

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Instructional Goals

This course is designed to provide a basic overview of the New Mexico Criminal Justice System.

We will identify the major components of the Criminal Justice System

Provide a brief history of Law Enforcement in the United States

Objectives

At the conclusion of this block of instruction, the cadet will be able to:

Define the 3 branches of Government

Correlate the police function with the Constitution of the U.S. & N.M.

Discuss where police power/authority are derived.

Define the police as “gatekeepers” of the Criminal Justice System

Understand the English heritage of policing & Sir Robert Peel, including the London Metropolitan Police Act.

History of Law Enforcement

When laws are violated, a crime has been committed, from this arise two questions:

Who creates the law?

Who is responsible for enforcing the law?

Law?

Laws are created by congress or state legislator, designed to mandate conduct and behavior

Responsibility?

Agencies of the criminal justice are government operations responsible for managing and processing defendants.

Those agencies include law enforcement, courts and corrections

The Three Branches of Government**Executive Branch:**

Consists of executive positions, such as Governors, US President, Mayor's etc.

Function as the heads of government, and operates within the restrictions imposed by other branches of the government

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& the constitution.

Legislative Branch:

Consists of the House of Representatives, Senate on the national & state levels

Proposes & enacts laws, performs investigations

Responsible for budgets

Confirms or denies appointments made by the Executive Branch

Judicial Branch:

Determines the guilt or innocence of criminal offenders

Hears civil disputes & appeals from lower courts

Rules on the constitutionality of laws and government practice

Each of these components are interwoven.

Law Enforcement operates under the Executive Branch.

Legislature make the laws police enforce

The Judicial Branch decides how the police enforce the laws

The Constitution of the United States provide the “checks & balances” among the three branches, as one branch is always held accountable to the others.

This system is intended to insure no one agency or individual becomes so powerful, they ignore the rights of citizens

The laws and Constitution of New Mexico serves as our “checks & balances” by identifying those acts as prescribed.

At the national and state level, Constitutions establish the ground rules by which the criminal justice system must adhere.

The New Mexico Constitution outlines the duties and responsibilities for:

Municipal Police 3-13-2

County Law Enforcement 4-37-4 & 4-41-2

New Mexico State Police Chapter 29, Art. 2

“General” Police powers Chapter 29

Community Social Structure

Morales, values & norms contribute to the social structure of a community

A community is defined as a combination of social units & systems which perform functions such as;

Production, distribution, consumption, socialization, social control, participation & support.

Community Social Structure

All communities expect to function in a safe predictable manner.

Predictability is achieved through a shared understanding of the rules for action and the mechanism of social control.

Social Control

Society depends on social order, the forces that hold society together. An agreement of basic values and appropriate

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	<p>ways of behavior.</p> <p>The latter is more distinctly social control. The use of sanctions or rewards to shape behaviors. 2 types of social control are:</p> <p>Informal: chooses to abide by the rules</p> <p>Formal: when a group imposes limits on behavior</p> <p>Of the many police functions, three would include the maintenance of order, the absence of disorder by preventing disorder and restoring order is social control.</p> <p>It is part of the peacekeeping function that attempts to resolve problems without recourse.</p> <p>Police as “Gatekeepers” to the Criminal Justice System after a law has been broken & the subject apprehended, the process of justice begins, thus law enforcement is referred to as the “gatekeepers” to the criminal justice system.</p> <p>Police Represent the Civil Power of Government</p> <p>The police receive their authority from the people through their elected officials.</p> <p>They are an anomaly in a society and governmental system that value & protect individual freedom, yet they limit individual freedom when called upon to do so...</p> <p>Policing balances the tension between freedom and order.</p> <p>Police powers are regulated by procedures and the constitution</p> <p>If there is to be stability & order, police must preserve this order & freedom, they cannot act indiscriminately or without justification.</p> <p>Early Law Enforcement Efforts</p> <p>Began in England with Alfred the Great, who initiated shires</p> <p>This was followed in 1285 by a watch (night) & ward (day) system initiated by Edward I, which served until the Industrial Revolution in 1750.</p> <p>A. Commerce & Industry created urbanization</p> <p>B. Rural populations moved into towns</p> <p>C. Unemployment, poverty & crime increased</p> <p>D. Political extremists became active</p> <p>In 1750 Henry Fielding, magistrate, chose men of reliable character to investigate crimes. With his brother John, they implemented:</p> <p>Investigations</p> <p>Foot patrols</p> <p>Mounted patrols</p> <p>Despite the increase in crime throughout London, people resisted an organized police force because they saw it as restricting their liberty.</p> <p>Home Secretary Sir Robert Peel proposed that London have a body of civilians appointed & paid by the community to serve as police officers while proposing a return to the anglo-</p>

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	<p>saxon principals of individual community responsibility for preserving law & order.</p> <p>In 1829 parliament passed the Metropolitan Police Act.</p> <p>Sir Robert Peel</p> <p>Peel's philosophy of law enforcement, crime prevention and service to the public have become know as the "Peelian Reform"</p> <p>Though organized police forces in the U.S. evolved slowly, they reflect several of Sir Robert Peel's philosophies:</p> <ol style="list-style-type: none"> 1. Quasi-military 2. Strict lines of authority 3. Chain of command 4. Military style uniforms 5. Rank designation 6. Authorized by law to use force 7. Carry weapons <p>Agencies Organized by Functional Units</p> <ol style="list-style-type: none"> A. Operations B. Administration C. Auxiliary services <p>By reviewing the basic organizational structure, we can see how Peel's philosophies have been utilized in modern day organizational theory</p> <p>The police can be referred to as being all things to all people. As policing in America has developed, their role & function in society has become ambiguous.</p> <p>We will discuss three of the roles:</p> <ol style="list-style-type: none"> 1. Prescribed role 2. Preferred role 3. Enacted role <p>Prescribed Role</p> <p>The Constitution, Statues and rules/regulations specify duties and responsibilities of different agencies</p> <p>Preferred Role</p> <p>What the general public think the police should be doing</p> <p>Enacted Role</p> <p>What the police actually do:</p> <ol style="list-style-type: none"> A. Detect, prevent and apprehend B. Protect constitutional rights C. Resolve conflicts D. Traffic enforcement E. Maintain feeling of community security <p>Not only is the role difficult to define but depending on the particular era under and the locale and type of agency studied, the styles of policing also differ:</p> <p>Styles of Policing</p> <p>Legalistic Style: Agencies enforce the "letter of the law"</p> <p>Service Style: Concern with helping rather than strict</p>

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	<p>enforcement</p> <p>Watchman Style: Concern for order maintenance</p> <p>Despite the ambiguity, based on laws the number one goal of law enforcement is the preservation of life, followed by the protection of property, deterrence of crime and arrest/prosecute the responsible parties.</p> <p>The growth of law enforcement in America is a product of increasing the government service. During the development we have undergone three distinct eras:</p> <ul style="list-style-type: none"> A. Political B. Reform C. Community problem solving <p>Political Era 1840 – 1920</p> <ol style="list-style-type: none"> 1. Agencies had close ties to politicians 2. Use of precincts and neighborhood stations fragmented services 3. Policy decisions were made at precinct and street levels 4. Neighborhood ties to officers and citizens ensure the interest of the neighborhood rather than the city as a whole 5. Providing services was more important than crime prevention <p>Reform Era 1920 – 1970</p> <ol style="list-style-type: none"> 1. Goal to remove politics from policing 2. To achieve centralization and improve quality of personnel 3. Rise of professionalism 4. Concepts of professionalism, including specialized training, skills, dedication, body of knowledge, code of ethics and autonomy. <p>Six Elements of Professional Policing</p> <ol style="list-style-type: none"> 1. Police should stay out of politics 2. Police should be well trained, disciplined & tightly organized 3. Laws should be equally enforced 4. Police should take advantage of technology 5. Merit should be based on procedures 6. Crime-fighting role should be prominent <p>Of the six elements, shifting from order maintenance to crime fighting did more to change American policing than any other, because it removed them from the ties they had developed with the communities.</p> <p>Community Problem Solving Era 1970 – Present</p> <ul style="list-style-type: none"> A. Despite efforts at professionalism, policing remained inefficient, some corrupt and isolated from the community B. Crime during the sixties had escalated while police-community relations deteriorated

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	<p>C. In the seventies, the call was made to move from crime-fighting toward maintaining order and providing service to the community</p> <p>Conclusion</p> <p>By understanding the basic concepts and principals law enforcement was founded upon, we will have a better understanding of where we have been and the direction we are now headed.</p>